

From the Chair



OFFICE OF THE ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS

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BUSINESS APPOINTMENT APPLICATION: The Rt Hon Brandon Lewis CBE MP, former Lord Chancellor and Secretary of State for Justice and Secretary of State for Northern Ireland. Paid appointment with FM Conway.

1. You approached the Advisory Committee on Business Appointments (the Committee) under the government's Business Appointments Rules for former ministers (the Rules) seeking advice on taking up a paid role as an Adviser on Business Strategy at FM Conway.
2. The purpose of the Rules is to protect the integrity of the government. The Committee has considered the risks associated with the actions and decisions made during your time in office, alongside the information and influence you may offer FM Conway. The material information taken into consideration by the Committee is set out in the annex.
3. The Committee's advice is not an endorsement of the appointment - it imposes a number of conditions to mitigate the potential risks to the government associated with the appointment under the Rules.
4. The Ministerial Code sets out that ministers must abide by the Committee's advice. It is an applicant's personal responsibility to manage the propriety of any appointment. Former ministers of the Crown, and Members of Parliament, are expected to uphold the highest standards of propriety and act in accordance with the 7 Principles of Public Life.

The Committee's consideration of the risks presented

5. You did not meet with FM Conway, nor did you make any decisions at either the Ministry of Justice (MOJ) or the Northern Ireland Office (NIO) specific to

FM Conway. The Committee¹ considered the risk that you were offered this role as a reward for decisions or actions taken in post was low.

6. The Committee noted there are inherent risks regarding your general access to information and influence within government as a result of your time as a minister. The MOJ noted that you may have access to information regarding prison construction but FM Conway is not a provider on this framework and all existing tenders are currently underway, therefore reducing any risks associated with your access to sensitive information. The risks are limited given there is no direct overlap between your government service and this proposed role. It is also relevant that you have served the standard three month waiting period that all Cabinet Ministers are subject to.
7. There are also inherent risks associated with your contacts and influence within government especially as FM Conway may have an interest in other government department's policies such as the Department for Levelling Up, Housing & Communities or Department for Transport. Though the Committee noted your role does not involve contact with government.

The Committee's advice

8. The Committee did not consider this appointment raises any particular proprietary concerns under the government's Rules. Whilst there are inherent risks associated with your access to sensitive information and contacts, the standard conditions below, preventing you from drawing on your privileged information and using your contacts to the unfair advantage of your new employer, will sufficiently mitigate the risks presented in this case.
9. In accordance with the government's Business Appointment Rules, the Committee advises this role with **FM Conway** be subject to the following conditions:
 - you should not draw on (disclose or use for the benefit of yourself or the persons or organisations to which this advice refers) any privileged information available to you from your time in ministerial office;
 - for two years from your last day in ministerial office, you should not become personally involved in lobbying the UK government or its arm's length bodies on behalf of FM Conway (including parent companies, subsidiaries, partners and clients); nor should you make use, directly or indirectly, of your contacts in the government and/or ministerial office to influence policy, secure business/funding or otherwise unfairly advantage FM Conway (including parent companies, subsidiaries, partners and clients); and

¹ This application for advice was considered by Jonathan Baume; Andrew Cumpsty; Isabel Doherty; Sarah de Gay; Richard Thomas; Mike Weir. The Rt Hon The Lord Pickles was recused from this application in line with ACOBA's published Code of Practice. This letter contains the Committee's advice, arrived at without his input and which he is sending in his capacity as Chair of the Committee.

- for two years from your last day in ministerial office, you should not undertake any work with FM Conway (including parent companies, subsidiaries, partners and clients) that involves providing advice on the terms of, or with regard to the subject matter of a bid with, or contract relating directly to the work of, the UK government or its arm's length bodies.
10. The advice and the conditions under the government's Business Appointment Rules relate to your previous roles in government only; they are separate to rules administered by other bodies such as the Office of the Registrar of Consultant Lobbyists or the Parliamentary Commissioner for Standards. It is your personal responsibility to understand any other rules and regulations you may be subject to in parallel with this Committee's advice.
 11. By '*privileged information*' we mean official information to which a minister or Crown servant has had access as a consequence of his or her office or employment and which has not been made publicly available. Applicants are also reminded that they may be subject to other duties of confidentiality, whether under the Official Secrets Act, the Ministerial Code or otherwise.
 12. The Business Appointment Rules explain that the restriction on lobbying means that the former Crown servant/minister '*should not engage in communication with government (ministers, civil servants, including special advisers, and other relevant officials/public office holders) – wherever it takes place - with a view to influencing a government decision, policy or contract award/grant in relation to their own interests or the interests of the organisation by which they are employed, or to whom they are contracted or with which they hold office*'. This Rule is separate and not a replacement for the Rules in the House.
 13. You must inform us as soon as you take up employment with this organisation, or if it is announced that you will do so. Please also inform us if you propose to extend or otherwise change the nature of your role as, depending on the circumstances, it may be necessary for you to make a fresh application.
 14. Once the appointment has been publicly announced or taken up, we will publish this letter on the Committee's website, and where appropriate, refer to it in the relevant annual report.

The Rt Hon Lord Pickles

Annex - Material information

The role

1. You seek to join FM Conway in a paid, part-time role as an Adviser on Business Strategy. You said it operates in transportation, environment and public realm. Their website states it is a UK-based civil engineering contractor specialising in highways and other infrastructure work. They are a provider on the Crown Commercial Services Framework.
2. You informed the Committee your role would involve providing advice on the company's business strategy and the role would not involve any contact with government.

Dealings in office

3. You advised the Committee you did not meet with FM Conway as a minister whilst in office. Further, you said you did not have any involvement in any policy development or decisions that would have been specific to FM Conway; you had no relevant commercial or contractual responsibilities relating to them; nor did you have access to sensitive information.

Department assessment

4. Both the MOJ and the NIO confirmed the details you provided.
5. The MOJ noted you may have access to sensitive information regarding prison construction, but FM Conway is not a provider on this framework and all existing tenders are already being carried out.
6. The departments confirmed there is no direct overlap with your time in office and had no concerns with this appointment.
7. The departments recommended the standard conditions.